

OPINION IS DIVIDED ON SENATOR CASE

Of Construed Law for
Election of Senators Not
Entirely Clear.

ISSUE IS RAISED FOR FIRST TIME

Question Involved One of Majority
or of Quorum Voting in
Each House.

It would seem that in the forty-three years since the Federal Government prescribed the present method of electing United States Senators, about all the conceivable questions relating to the construction of the law of 1866 ought to have been settled. Yet it develops that the right in the Wisconsin Legislature, now in session, is likely to bring several new issues for determination by the Senate Committee on Elections, and ultimately by the Senate.

The question whether Senator Stephenson was elected on Tuesday, January 26, by the separate assembly of the two Wisconsin houses, and is now the de facto Senator-elect, has divided the lawyers and experts of the Senate.

Entered on Journal.

Describing the separate sessions of the two houses, the law says the name of any person who receives a majority "of the whole number of votes cast in each house" shall be entered on the journal. It is not stated that such majority of votes cast shall be evidence of election of that person. These proceedings of the first day are made preliminary to those of the second day, when the joint assembly of the two houses meets to read the journal and the law says, "if the same person has received a majority of all the votes in each house he shall be declared elected."

Query No. 1: Is there a difference in the intent of these two phrases? Must a man receive merely a majority of a quorum in each house, to be elected, or must he receive a majority of all the membership of each house?

This applies directly to the Wisconsin case. On the day of the separate sessions, Stephenson received a majority of the whole membership of the House, but only received a majority of a quorum in the Senate. Was he elected on that day?

Would Have Won.

This next day the joint assembly met. If all the votes cast for him on the previous day had been cast for him in joint assembly, Stephenson would have won. But over night some desert, and in joint assembly, where sixty-seven votes are necessary to elect, he received only sixty-five.

If a majority of a quorum, in each House can elect, but if it requires a majority of the total membership to elect in the joint assembly—then there is presented a strange contradiction in the law. If that be true, forty-three votes, properly distributed, could elect a Senator from Wisconsin, by controlling the separate sessions, though there are 105 members of the legislature.

Taking the exact figures of the Wisconsin legislature to illustrate, it is shown that there are thirty-three senators; seventy-five members of the House; and a total membership of 108. This nine senators plus thirty-four assemblymen could elect a Senator—barely more than one-fourth the total membership of the legislature.

Not of a Quorum.

But let it go to the joint assembly, and under all the practice and decisions, there must be a clear majority, not of a quorum, but of the total membership of the joint assembly; that is, while forty-three legislators might choose a Senator in the separate sessions, it would take seventy-five in the joint.

But this is not the only question. In one house of the legislature the journal was not made to read as the Stephenson people wanted. They have expressed uncertainty whether the record is proper for the purpose of becoming a basis of certification of an election. The presiding officer declared the record approved, and the journal was read. Another point which is expected to require attention later.

Charges have been filed against Senator Stephenson, alleging excessive, and in some cases actually corrupt use of money, or at least of influence, in his primary. These the Senator's friends vigorously deny. He has filed no official statement, and the charges are under the Wisconsin State law, on the ground that they are not required to do so until "after the election."

They think, means after the election by the legislature.

The crowd of the legislature, assuming that the phrase "after election" has reference to the election in November. It is definitely given out that if Stephenson is elected, demand will be made that the Senate investigate these charges of corruption. Senator LaFollette is expected to lead in the move.

GIRL AGREES TO BE BOY ON STAGE FOR 5 YEARS

Chicago Actress Makes a
Striking Success in
Masculine Parts.

NOVEL CONTRACT IS SIGNED HERE

No Objection to Attire That Other
Young Women
Oppose.

One of the most peculiar theatrical contracts ever signed was made at the offices of the New National Theater today, when Charles Dillingham, the manager, agreed to employ Miss Byrdine Zuber, a Chicago girl, for a period of five years and present her in none other than boys' roles.

The recent battle in New York between Miss Lillian Lee and a manager, because the latter insisted that Miss Lee should appear exclusively in tight, makes this latest contract all the more interesting. Miss Zuber refused to wear tight, Miss Zuber entered into a contract to appear only in masculine attire.

Miss Zuber has been upon the stage only a few years, during which period she has had a pronounced success in boys' roles, notably during the Chicago engagement of the Kohl and Castle Opera Company, when she appeared in knickerbockers in "The Land of Nod," "Captain Careless," and "The Three Graces," in which latter musical show Harry B. Smith, the author, insisted that Miss Zuber should dress in the principal boy's role.

Mr. Dillingham will keep Miss Zuber with the Red Mill until the close of the present season, when she will start her interesting career as a boy impersonator.

Miss Zuber is the youngest daughter of Mr. and Mrs. John Zuber, her father being a wealthy cigar manufacturer in Chicago, senior member of the firm of Zuber & Miller.



—Photograph by Harris-Ewing.
MISS BYRDINE ZUBER.
Enters Into Unusual Contract.

boy impersonator. Miss Zuber is the youngest daughter of Mr. and Mrs. John Zuber, her father being a wealthy cigar manufacturer in Chicago, senior member of the firm of Zuber & Miller.

GARRARD TO COME TO FORT MYER POST

Colonel in Cuba Will Succeed
Hatfield, Who Goes
to Philippines.

Col. Joseph Garrard, commanding the Fifteenth United States Cavalry, will assume command of the military post and reservation at Fort Myer, Va., on March 5. He will succeed Col. C. P. Hatfield, who will on that date start for a tour in the Philippines with his regiment, the Thirteenth Cavalry.

What is practically an official announcement was made to this effect today in answer to repeated rumors that Colonel Hatfield would remain in command at Fort Myer. It was learned today that Colonel Hatfield has his personal equipments and belongings all packed ready for his departure.

Colonel Garrard, with the Fifteenth Cavalry, will arrive in the United States from Cuba February 15. With one squadron of the Fifth Cavalry, he will be stationed at Fort Myer, where he will have the honor of participating in two inaugurations this year. He was present at the inauguration of President Gomez of Cuba on Thursday, and will be in Washington on March 4.

SPECIAL CHURCH MUSIC.

At McKendree Methodist Church, a special musical program was rendered last night, the McKendree choir and the Apollo Orchestra taking part.

CHILD'S DREADFUL SKIN TROUBLES

Had Sixty Boils when but Six Months
Old—Was Annually Attacked by
a Humor—It Looked Red Like a
Scald and Spread Over Half Her
Head—Both Troubles are Cured.

NO PRAISE TOO HIGH FOR
THE CUTICURA REMEDIES

"When my little Vivian was about six months old, her papa had a boil on his forehead. At that time the child was covered with prickly heat and I suppose in scratching it, her own head became infected for it broke out in boils, one after another. She had about sixty on all and I used Cuticura Soap and Cuticura Ointment which cured her of them entirely. Then, I always bathed it with warm water and Cuticura Soap and applied Cuticura Ointment which never failed to heal it up. The last time it broke out was when she was six years old. It became so bad that I was discouraged. Then I procured a bottle of Cuticura Resolvent which soon cleared it out of her blood. I continued the use of Cuticura Soap and Ointment with the Resolvent until she was perfectly well. She is now about eight years old and has never been troubled in the last two years. We also find Cuticura Resolvent a good spring medicine and we are just giving the children Cuticura Resolvent Pills as a tonic. We do not think any one can praise Cuticura Remedies too highly. Mrs. M. A. Scherwin, 674 Spring Wells Ave., Detroit, Mich., Feb. 24, 1908."

Complete External and Internal Treatment for Every Form of Infants, Children and Adults. Cuticura Resolvent Pills, to clear the blood, Cuticura Ointment, to treat the skin and Cuticura Resolvent (60c), or in the form of Chocolate Resolvent Pills, 50c, to purify the blood. Sold throughout the world. Potter Drug & Chem. Corp., Sole Props., Boston, Mass.

IRISH
LINIMENT
Will cure Eczema and Rheumatism in any form. It brings impurities to the surface, also any skin ailment, burn or bruise. Go to O'Donnell's Pharmacy and get a bottle. If it does not help you they will pay back the price of your word. Express prepaid 60c.

GILLHOOLEY
IRISH LINIMENT CO.
ST. PAUL, MINN.

W. B. & A. EXTENSION GETS ENDORSEMENT

Mayor of Annapolis and
Other Marylanders Write
Favorable Letters.

The proposed extension of the Washington, Baltimore and Annapolis railroad into the heart of Washington is heartily endorsed in letters received by the District Commissioners from officials as well as citizens and trade organizations of the Maryland cities, and from Governor Crothers of that State.

At the same time, the expected opposition to the bill, pending in Congress, regarding the franchise to enter the city, from property owners on K street, over which the route is laid, has developed in letters from them, also received by the Commissioners.

Among the protestants is C. J. Gockeler, of 312 K street northwest, who has the franchise to enter the city, from property owners on K street, over which the route is laid, has developed in letters from them, also received by the Commissioners.

Those favoring the project, however, assert that great benefit will accrue to Washington, as well as Baltimore and Annapolis, when passengers on this line are able to ride into the heart of the Capital instead of being left on the outskirts.

"Travel to and from Washington," states Mayor Claude of Annapolis, "has the comparative disadvantage of leaving passengers to find their way to the center of Washington on more or less crowded cars."

But Mayor Claude appealed more to the Commissioners when he said, regarding the franchise of the streets over which the railroad passes in his city:

"It is fair for me to add that this company complied with all conditions imposed on it here, such as repaving the streets in a perfect manner, and without any delay whatever."

MAY PUSH ELECTRIC LINE TO THIS CITY

New Charters Indicate Extension
of Richmond-Ashland Road
This Way.

There is probability of the new electric line from Richmond to Ashland being extended to Washington as a result of charters which have just been issued to the Frank J. Gould interests, which control the water power at Fredericksburg. While the meaning of the charters has not been explained, and no intimation of the extension has been made by the Gould interests, it is believed that the securing of the charters is in the nature of preliminary arrangements to build the road here.

The first charter gives the right to build electric plants, lines for wires, furnish supply, and sell heat, light, and power to the general public. In the second charter the company is given the right to construct such plants, powerhouses, and other appurtenances as may be necessary to carry on business.

The charters were issued, respectively, to the Fredericksburg Electric Company and the Electric Power Company, both of which are subsidiaries of the Virginia State Corporation Commission.

TWO SALES REPORTED IN MONTELE AVENUE

Two transactions in Montello avenue property of special interest have been made by the Washington Real Estate Exchange. The property at 122 Montello avenue, owned by City Postmaster B. F. Barner, has been sold to Sarah M. Omoimohund and Mary Johnson, the consideration being \$25,000.

The firm also announced the sale of the adjoining property, 120 Montello avenue, owned by Ayon, to the manager of the Riggs National Bank to Vladislav Jarzeminski, of the Army War College, for \$25,000.

Shaffer Evolves Most Artistic Floral
effects for social affairs, 14th and I.
—Advt.

BELIEVED YANKEE CITIZEN EXECUTED

Government Begins Investi-
gation of Strombach's
Death in Russia.

Immediate steps are being taken by the State Department looking toward an investigation of the death of Fritz, or Frederick, Strombach, who, it is alleged, was killed in Russia, October 13, 1907. No complaint or request has as yet been received by the department from any relative or other person interested in Strombach, but in view of the press dispatches of the action taken by the United German Trades of Philadelphia, the inquiry has been begun.

Baron Rosen, the Russian ambassador to the United States, in answer to inquiries this morning, stated that he knew nothing about the case and had never before heard of it. He showed some interest, but said that the only way it could come to his notice officially would be through a request from the State Department to take cognizance of it.

It is pointed out by officials here that the manner in which Strombach met his death is not definitely stated, the resolutions passed by the United German Trades states "that he was summarily killed." Any action that may be taken by the American authorities will have to be based upon a knowledge of the manner in which he was killed.

It is possible, according to State Department officials, that Strombach may have met his death in a brawl with a Russian, if this were the case, it would devolve upon the police authorities to take action in the same manner that would be pursued under similar circumstances in this country.

It is shown on the records of the adjutant general that "Frederick" Strombach enlisted in Company L of the Thirty-eighth United States Infantry September 22, 1890, at Chicago. He was mustered out with his company June 30, 1891, as a sergeant. He saw active service in the Philippines from December 23, 1890, to May 21, 1891, in the records his birthplace is given as Russia, and he was eighteen years and eleven months of age at the time of his enlistment.

It is declared by the United States German Trades that Strombach was arrested and executed by the authorities of Talsu, township of Spende. The State Department is now seeking authentic information.

NEED AMERICAN MEAT.

LONDON, Feb. 1.—The committee of the government appointed last summer to probe the alleged American control of the British meat supply has concluded its investigation, and will report against interfering with American imports, for the simple reason that great Britain needs the American supply.

THE FATNESS OF HEALTH.

Samosa Fills Out the Curves and
Makes Thin People Fat.

If you are thin, your health is not what it should be. If you are losing weight steadily, there is something wrong that should be attended to at once. You cannot be healthy and strong if you are thin.

Perfect health and good, solid beautiful flesh can only come through the use of Samosa, the remarkable flesh forming food.

Samosa is not a drug or a stimulant; it is a scientific flesh-forming food that restores thin people to a normal condition of good healthy flesh.

There are thousands of unhappy, nervous thin people who would look and feel entirely different if they were only fat and plump. Let them use Samosa and they will soon notice remarkable results.

Those statements are confirmed by James O'Donnell, who offers to refund the money to anyone buying and using Samosa who does not gain in weight as promised. The risk is all his. The thin and scrawny can buy Samosa at Druggists James O'Donnell's store, with the knowledge that if it is not successful it will cost absolutely nothing.

Sent postpaid on receipt of price, 50c.

S. KANN & SONS CO. THE BUSY CORNER

COATS

Here are the most remarkable prices on
warm coats we have ever quoted

Perhaps it may seem a trifle strange that the prices are lowest just when the coats are most needed. It is not, however, for it is just in the winter time, and although we have many weeks of cold weather due, we are getting in shape for spring business, and all winter garments are reduced to a point insuring immediate clearance.

Coats reduced to \$5.98
Worth up to \$15.00

Coats of Broadcloth, full length, satin lined, and trimmed with braid or satin.
Coats of Caracul Cloth, short or jacket length, lined with satin.
Coats of Tan Cover, short jacket styles, lined with guaranteed satin.

Coats reduced to \$11.50
Worth up to \$30.00 each

Coats of Broadcloth, full length, guaranteed satin lining, semi-fitting and loose styles.
Coats of Caracul Cloth, full length, and satin lined.
Coats of Caracul Cloth, short jacket length, satin lined.
Coats of Mammal Mixtures, in tourist and semi-fitted styles.

Coats reduced to \$18.00
Worth up to \$40.00 each

This lot embraces the entire balance of our coat stock, heretofore priced up to \$40. Some being parts of special purchases are worth even more. Included are Coats of Caracul Cloth, Broadcloth, Velvet, Velours, and Satins in a wide range of styles and trimmed effects.

Furs reduced

And more "blizzard" weather to come!

We've many small lots of furs that we have greatly reduced—just in time to be of service to you during this cold snap. See these furs tomorrow by all means:

GENUINE PERSIAN PAW SETS, large pillow or tab muff with silk wrist cord and extra long throw tie, plain or fancy, lined with Skinner's satin. Worth \$20 to \$35. Choice a set..... \$6.48

NEAR SEAL SETS, consisting of large rug muff with scalloped ends and long throw tie to match; both lined in whited satin. Worth \$15. Reduced to a set..... \$7.75

GENUINE DARK EASTERN MINK SETS, including large pillow or tab muff, extra long throw tie, trimmed with heads, heavy satin lined. Worth \$16.50. Reduced to a set..... \$8.75

PERSIAN PAW SETS, in bow knot, Edna May or fancy tab styles, all lined with either black or white broadcloth satin. Worth up to \$3.00. Choice..... \$2.25

15 DARK SIBERIAN SQUIRREL THROW TIES, left from sets, satin lined. Worth up to \$3.50. Choice tomorrow at..... \$3.25

10 DARK SQUIRREL THROW TIES, left from sets, satin lined. Worth up to \$3.50. Choice..... \$4.85

10 children's Fur Sets, worth up to \$2.50 at..... 75c

10 Children's Fur Sets, worth up to \$4 at..... \$1.75

5 Children's Fur Sets, worth up to \$3.50 at..... \$3.00

10 Carriage or Go-Cart Robes, lined with felt, pockets for feet and body. Worth \$5 and \$7.50. Choice..... \$2.95

1d floor—S. Kann, Sons & Co.

Odd lots dress goods worth to \$1.25 a yard at..... 59c yd.

A mighty good variety of weaves and styles in the lot. PLAIDS, DIAGONAL STRIPES, BROADCLOTHS, PLAIN, COLORS; ALSO BROADCLOTHS IN PLAIN AND STRIPED EFFECTS. And many other weaves, but the patterns and styles are so varied that it is only due to a yard tomorrow. In plain or black, blue, black, and brown. These have sold regularly in the department at from \$1.00 to \$1.25 a yard.

Dress Goods—First floor.

Imported striped venetian LINING, 49c a yd.

The newest lining

One of the very newest style linings, and bids fair to be extremely popular this spring. If you are having a spring suit made or a winter suit relined you might as well have the latest as long as it costs so little, only 49c a yard tomorrow. In plain or black.

MOREEN VELOUR, a fine material for making petticoats and other lining purposes; black and colors. Regularly 25c. Sale price tomorrow, a yard..... 19c

"TWO SEASON" LINING SATIN—this is guaranteed to wear one year, is a very soft finish, and has a high luster, and is really less expensive in the long run than cheaper linings that would cost only about half as much and wear through more than twice as quickly. It is 36 inches wide, and a yard, only..... 79c

Linings—First floor.

The new spring dress gingham... 10c yd.

Choice of 50 different patterns and all pretty. Really this Gingham should sell for 12 1/2c a yard. All fast colors.

This Gingham is very suitable for the making of house dresses, children's play frocks, boys' blouses, and shirt waists. We'd like you to see this Gingham—it will be a revelation to you in value-giving.

First floor—S. Kann, Sons & Co.

Interest has not abated one whit in The American Printing Co.'s wash fabrics

More than a hundred patterns to choose from. Women go into raptures over the pretty colorings and dainty designs, and claim they look like expensive fabrics.

Among the styles exhibited are delicate silk-finish cadet patterns; silver gray patterns in assorted styles, silk finish.

Black-and-white, assorted styles. Indigo and gold, assorted styles. Indigo and red, assorted styles.

Wine and white, assorted styles. Shirtings of many kinds, together with many handsome novelties in bordered effects, checks, stripes, dots, figures, and such.

We guarantee every yard. Colors are absolutely fast, and the goods may be boiled without loss of color.

You'll find the same styles exhibited in these 60c fabrics as in materials costing three or four times as much.

If you have not already bought do so, tomorrow. They are worthy of your attention.

1st floor—S. Kann, Sons & Co.

Foulards are foremost in favor for spring wear

The latest fashion advises all point to foulard being a favored fabric for spring frocks.

We've a splendid quality of Satin Foulard in background of old rose, raspberry, navy, black, smoke, taupe, and other shades with polka dots and figures of white or black.

They are 24 inches wide. It is the best value obtainable in Washington today at 59c a yard. See window display.

Other qualities up to \$1 a yard.

1st floor—S. Kann, Sons & Co.

59c A yard